

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

|                                 |   |                                 |
|---------------------------------|---|---------------------------------|
| <b>JOSHUA JACKSON,</b>          | ) | <b>CASE NO. 1:17 CV 1085</b>    |
|                                 | ) |                                 |
| <b>Plaintiff,</b>               | ) | <b>JUDGE DAN AARON POLSTER</b>  |
|                                 | ) |                                 |
| <b>vs.</b>                      | ) | <b><u>OPINION AND ORDER</u></b> |
|                                 | ) |                                 |
| <b>COMMISSIONER OF SOCIAL</b>   | ) |                                 |
| <b>SECURITY ADMINISTRATION,</b> | ) |                                 |
|                                 | ) |                                 |
| <b>Defendant.</b>               | ) |                                 |

On May 23, 2017, Plaintiff Joshua Jackson filed this case seeking judicial review of the final decision of the Commissioner of Social Security denying his application for Supplemental Security Income Benefits under Title XVI of the Social Security Act. (Doc #: 1.) On April 24, 2018, Magistrate Judge Thomas M. Parker filed a 21-page Report and Recommendation (“R&R”) concluding that the decision of the Administrative Law Judge (“ALJ”) was not supported by substantial evidence. (Doc #: 13.) Thus, he recommends that the Court vacate the final decision of the Commissioner, and remand the case, pursuant to 42 U.S.C. § 405(g) sentence four, for further proceedings consistent with the R&R. (Id.)

Under the relevant statute,

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

28 U.S.C. § 636(b)(1). Where a party fails to object, however, a district court is not required to conduct any review, *de novo* or otherwise, of the report and recommendation. *Thomas v. Arn*, 474 U.S. 140, 149–50 (1985). And the failure to file written objections results in a waiver of the right to appeal. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd*, 474 U.S. 140 (1985).

It is now 20 days since the Commissioner has been served and the Commissioner has neither filed objections nor requested an extension of time to do so. Nonetheless, the Court has reviewed the Magistrate Judge's thorough R&R, and agrees that the ALJ's decision was not supported by substantial evidence for the reasons stated therein.

Accordingly, the Court **ADOPTS IN FULL** the R&R (**Doc. # 13**), **VACATES** the decision of the Commissioner, and **REMANDS** the case to the Social Security Administration for further proceedings consistent with the R&R.

**IT IS SO ORDERED.**

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*/s/ Dan A. Polster May 14, 2018*  
**Dan A. Polster**  
**UNITED STATES DISTRICT JUDGE**